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HR 4430 APPROPRIATE MINIMUM ALTITUDE FOR AIRCRAFT FLYING OVER NATIONAL PARK SYSTEM UNITS

U.S. House National Parks Subcommittee
Public Hearing - May 20, 1986
Maui County Council Chambers

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The Environmental Center of the University of Hawaii serves to coordinate expertise from within the University community to address environmental issues of both local and national concern. We provide objective, environmental expertise from the University faculty to federal, state, or county agencies and the public so as to facilitate informed decision making on environmentally related issues. The introduction of HR 4430 has come to our attention and we offer the following comments. This statement does not reflect and institutional position of the University of Hawaii.

HR 4430 would require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over National Park System units. To date the problem of aircraft flights over park and wilderness areas remains a serious issue both socially and environmentally. Of most concern are the frequent helicopter flights of the tour companies which have made wilderness areas part of their routes.

Although aircraft provide some visitors with unique views of highly scenic areas, their presence and the noise they generate is a definite intrusion on the serenity of those wilderness areas and can be highly objectionable to persons on the ground. There is also evidence that such flights may interfere with the nesting of birds. For example, significant disturbance of nesting seabirds by small twin-engined fixed-wing aircraft flying at elevations between 1500 to 2000 feet, has been observed in the northwest Hawaiian islands. While the Federal Aviation Administration (FAA) recommends that aircraft remain 2000 feet or more above ground when flying over national parks, this is commonly disregarded, as has been observed in and around Haleakala National Park on the island of Maui.

The noise disturbance of low flying aircraft, both helicopters and fixed wing, to park and wilderness users, has been a topic of concern for many years in the State of Hawaii. Aircraft noise affects nearly every park situation in Hawaii, including Haleakala National Park, on the island of Maui, Hawaii Volcanoes National Park, Puu Kohola Heiau, National Historic Site and Puu Honua O Honaunau, National Historic Park, on the island of Hawaii and Kalaupapa, National Historic Park, Island of Molokai. Recently the issue was the subject of a hearing (March 6, 1986) before the Hawaii State Legislature, House Committee on Transportation, (HR 85). A copy of the Environmental Center statement on that resolution is enclosed for your information. This resolution requested federal enactment of legislation requiring that helicopter operations be regulated by the Federal Aviation Administration consistent with the intentions of the Wilderness Act of 1964.

The intent of HR 4430 is to require, "a study to determine the appropriate minimum altitude for aircraft flying over national park system units." The Bill, as drafted (p. 1, lns. 4-8), is somewhat less clear. Here the directive is to, "conduct a study of the proper minimum altitude which should be maintain...." This implies that a "proper" minimum altitude had already been established and that the "study" proposed would be a study of that pre-determined minimum altitude. We suggest that p. 1, lns. 6-8, be revised to read, "shall conduct a study to determine the appropriate minimum altitude which should be maintained by aircraft, both fixed wing and helicopters, when flying over areas within units of the national park system."

SECTION 1. STUDY OF PARK OVERFLIGHTS

(a) Study by Interior: The specific directive to the FAA to provide technical assistance (p. 1, lns. 8-9; p. 2, lns. 1-2) is appropriate and should provide the required impetus for the agency to institute adequate regulations. Due to FAA's reluctance to enact stringent noise regulations in the past, their role in this legislation needs to be clearly defined.

(b) The General Requirements of Study: The study, (p. 2, ln. 12) should recognized the need to include both overflight adverse impacts (noise levels), and the frequency of these disturbances, at difference parts of the parks.

Page 2, lns. 10-13, directs that the study identify the areas experiencing the "most serious impacts from aircraft overflight..." but does not direct any action to rectify the problem. We urge that the following change be incorporated into the bill, "The study shall identify those park system units, and portions thereof, in which the most serious adverse impacts from, both fixed wing and helicopter, aircraft overflight exist, and recommend mitigating measures."

c) Specific Requirements: The study cites 5 of the 10 units that should be included. It is our understanding that the aircraft noise problem is even more acute at Haleakala National Park than at Hawaii Volcanoes National Park. We urge that Haleakala National Park be added as one of the 10 units to be covered in this study.

The specific research requirements for the study include the evaluation of aircraft noise on the safety of park system users, including hikers, rock-climbers, and boaters (p. 2, lns. 21-23). We suggest that Horseback (or muleback) riders should be added to this list. The sudden appearance of a noisy plane, particularly helicopters, coming over a ridge as into Haleakala or the Grand Canyon, can be quite unnerving to an unsuspecting horse and rider and has the potential for causing accidents especially if the trails are narrow and steep.

Page 3, lns. 1-4, calls for the study to address "Other injurious effects of flights over park system lands on the natural, historical, and cultural resources...." The need for special attention to the effects of these flights on endangered species is of sufficient concern to warrant special mention of this issue. The northwest slope of Haleakala and it's Kipahulu Gap, contains one of the few remaining pristine tropical forest ecosystems suitable for Hawaii's endangered forest birds.

The research requirements should also provide for remedial action in addition to the "study." We suggest that a fourth sub-paragraph be added on page 3:

"(4) Allowable sound levels and flight procedures to mitigate
significant adverse effects found by the study."

The limitations of the research expressed on p. 3, lns. 7-8, should be revised to read, "The research shall apply only to overflights and shall not apply to aircraft, both fixed wing and helicopters, during landing or taking off from landing fields within, [or adjacent to, park system units.]"

(d) Report to Congress: The data collection schedule should not be less than one year. This will assure that a substantive data base is acquired and reduce the chance of bias due to systematic avoidance of the field monitors that might be possible on a shorter time scale. Provision should be made for scientific and management use of aircraft within the park boundaries.

Additions are underlined, text in brackets [] to be deleted.



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HR 85 RELATING TO HELICOPTER FLIGHT REGULATION

Statement for
House Committee on
Transportation
Public Hearing - March 6, 1986

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HR 85 is a resolution requesting federal enactment of legislation requiring that, as regulated by the Federal Aviation Administration, helicopter operations be consistent with the intentions of the Wilderness Act of 1964. This statement on the bill does not reflect an institutional position of the University of Hawaii.

As indicated by the "whereas" clauses of the resolution, the principal problem with which the resolution is intended to deal is the noise generated by low-flying helicopters in wilderness areas that are supposed to remain serene. Although the helicopters provide visitors with unique views of highly scenic areas, there is no doubt that the noise they make is a definite intrusion on the serenity of those areas that is highly objectionable to persons on the ground. There is evidence that such noise also interferes with the nesting of some birds. One of us has, for example, observed significant disturbance of nesting seabirds by small twin-engined fixed-wing aircraft flying between 1500 and 2000 feet above ground. We note, incidentally, that the FAA recommends that all aircraft remain 2000 feet or more above ground when flying over national parks, but that this recommendation is commonly disregarded.

The legislation whose enactment would be requested includes amendments of both the Federal Aviation Act and of the Wilderness Act. The request would be made to the Subcommittee on Aviation of the U.S. House of Representatives. The relationship of the legislation whose enactment is requested to the problem with which the resolution deals, is clear. The resolution would, however, request the Subcommittee itself to enact the legislation. It is our understanding that only the Congress can enact legislation and that a Subcommittee can only contribute to the enactment, for example by favorable recommendation. We suggest revision of the resolution to specify more accurately the action requested of the subcommittee.

We suggest that the effect of the resolution would be strengthened if it were recognized among the "whereas" clauses that the problem cannot be dealt with effectively by the State because the regulation of aircraft operations has been preempted by the Federal Government.